IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 12687 of 1998

Between:

K.Decasahayam S/o Jesudas
R/o Ithanagar , Guntur Dist.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, Rep by Secretary,
Food & Agriculture , Secretariat Bldgs ,
Hyderabad
2 The Commissioner of Fisheries
Department of Fisheries , Govt of A.P
Hyderabad
3 The Regional Dy. Director of Fisheries
Department of Fisheries , Govt. of A.P , Zone III,
Guntur
4 The Spl. Officer-cum Person incharge Department of Fisheries
Office of the dy. Director of fisheries , Zone III ,
Guntur.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order one in the nature of writ of Mandamus declaring the action of the 4h respondent in trying to action the leasehold rights of Ithanagar cheruvu which is under Tenali Fisherman Co-op. Society Ltd. For catching the fish without offering the same to the Tenali Fishermen Coop. Society, as illegal, arbitrary, Capricious and consequently declare that the petitioner is entitled to catch the fish and the Respondent 4 if not competent and is not vested with the powers of auctioning the leasehold rights to general public without offering the same to the fisherman Co-operative society which is contrary to the provisions of Co-op. Act. and further direct the respondents to auctioning the leasehold rights to the petitioner at the off set price that may be fixed by the respondent 2 and 3.

Counsel for the Petitioner: MR.RAVI SHANKAR JANDHYALA (Not present)

Counsel for the Respondents: GP FOR ANIMAL HUSBANDARY & FISHERIES.

The Court made the following:

ORDER:

The petitioner filed this writ petition questioning the action of the fourth respondent in trying to auction the lease hold rights of Itanagar Cheruvu without offering the same to Tenali Fishermen Cooperative Society Limited, as illegal and capricious.

When the matter came up today for hearing, none appears for the petitioner. The learned Government Pleader submits that the cause in the writ petition has become infructuous, inasmuch as the lease in question expired by 30-06-1997.

Recording the above submission of the learned Government Pleader, the writ petition is dismissed as having become infructuous. No costs.

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N.V. RAMANA, J

Date: 04-03-2005

Svv

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

The Secretary, representing the Government of Andhra Pradesh,
Food & Agriculture , Secretariat Bldgs ,
Hyderabad

2 The Commissioner of Fisheries
Department of Fisheries , Govt of A.P
Hyderabad

3 The Regional Dy. Director of Fisheries
Department of Fisheries , Govt. of A.P , Zone III,
Guntur

4 The Spl. Officer-cum Person incharge Department of Fisheries
Office of the dy. Director of fisheries , Zone III ,
Guntur.

5 Two C.Cs to the Government Pleader for Animal Husbandry and Fisheries, High Court Buildings, Hyderabad.

6 Two C.D.copies.